

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: JANUARY 3, 2006

FROM: MICHAEL TUERPE, LAFCO Analyst

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #4: LAFCO SC#262 – City of Upland Sewer Service Agreement No. SSA-2005-11-01 (APN 1003-371-10)

INITIATED BY:

City of Upland, on behalf of property owners

RECOMMENDATION:

1. Determine that SC#262 is statutorily exempt from environmental review, and direct the Clerk to file a Notice of Exemption within five days.
2. Approve SC#262 authorizing the City of Upland to extend sewer service outside its boundaries to Assessor Parcel Number (APN) 1003-371-10.
3. Adopt LAFCO Resolution #2904 setting forth the Commission's findings, determinations and approval of the agreement for service outside the City of Upland's boundaries.

BACKGROUND:

The City of Upland has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service. The City's Sewer Service Agreement relates to a single parcel located on the south side of N. Mountain Avenue (2478 N. Mountain Avenue), generally north of San Antonio Crescent West and south of 25th Street. The parcel is currently undeveloped and is located within the City's northern sphere of influence which encompasses the community known as "San Antonio Heights". Attachment #1 provides a vicinity map of the site along with a map outlining the location of the infrastructure to be extended.

The City, on behalf of the property owners, has requested that the Commission review and approve the extension of service pursuant to the provisions of Government Code Section 56133.

Currently, the parcel to be served is undeveloped. Previously, the parcel contained a single-family residential home. The owners desired for a different dwelling on the property and the previous dwelling was demolished. The demolition permit for the property was filed on July 21, 2005, and a final inspection is still needed for completion. The demolition permit will expire on January 17, 2006, but a 180 day extension is available. The owners plan to build a single-family residential residence, but there is no building permit in process at this time. Authorization of the agreement between the City and the owners is required before the City can take the final actions to implement the terms of the agreement once development is contemplated through the County's Land Use Services Department.

The City's application indicates that the owner will install approximately 200 linear feet of sewer main within Mountain Avenue to the property line from the existing sewer main on San Antonio Crest West. Sewer service will be provided to the proposed residential unit through a lateral extension from the proposed 8-inch sewer main in Mountain Avenue. The property owner will pay for all the costs of the improvements. There will be no reimbursement process for this extension because the other property along the proposed sewer main extension is already connected to the sewer in San Antonio Crest West.

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of services outside an agency's boundaries. The City of Upland has submitted an estimated total cost of \$4,466 for sewer service to the parcel. Following is the breakdown of the calculation:

Facility Expansion Fee – City	\$466 x 1 du	\$466.00
Facility Expansion Fee – IEUA	\$4,000 x 1 du	\$4,000.00
TOTAL		\$4,466.00

In addition, the property owners shall bear all costs for the sewer improvements extending from the existing sewer main to the residential building. Future occupants of the residential unit will be charged 1.5 times the in-city monthly rate for sewer service. The higher rate charged to outside customers is intended to help offset the costs for service delivery outside the City's corporate boundaries.

The parcel proposed to be served by the City of Upland is within the sphere of influence assigned to the City and is anticipated to become a part of it in the future. This determination is made on the basis that this area has been confirmed as a part of the City of Upland sphere of influence in its recent

service review and mandatory update conducted through LAFCO 2894 and considered and affirmed by the Commission on July 17, 2002. Therefore, it is the staff's position that this contract complies with the directives of Government Code Section 56133 to be "in anticipation of a future change of organization". Furthermore, staff supports the City's request for authorization to provide sewer service to the proposed residential development since its facilities are adjacent to the anticipated development, and there is no other existing entity available to provide this service within the area.

FINDINGS:

1. The project area, identified as APN 1003-371-10, is within the sphere of influence assigned the City of Upland and is anticipated to become a part of that City sometime in the future. This parcel has received and will receive water service from the San Antonio Water Company, a mutual water company, and the application requests authorization to receive City of Upland sewer service.
2. The Sewer Service Agreement No. SSA 2005-11-01 being considered is for the provision of sewer service to a single parcel (2478 N. Mountain Avenue) located on the south side of N. Mountain Avenue, generally north of San Antonio Crescent West and south of 25th Street. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this application will allow the property owners and the City of Upland to proceed in finalizing the contract for the extension of sewer service.

Although the owners plan to build a single-family residential home, there is no building permit on file at this time with the County Land Use Services Department – Building and Safety Division. Authorization of the agreement is required by the Commission before the City can take the final actions to implement the terms of the agreement.

3. The fees charged this project by the City of Upland are identified as totaling \$4,466 (Facility Expansion Fee - City \$466 -- Facility Expansion Fee – IEUA \$4,000). Payment of these fees is required prior to connection to the City's sewer facilities. Also, the property owners will be required to extend the sewer lateral to the residential building at their own expense.

The City's application indicates that the owners will install approximately 200 linear feet of sewer main within Mountain Avenue to the property line from the existing sewer main on San Antonio Crest West. There will be no reimbursement process for this extension because the other property along the proposed sewer main extension is already connected to the sewer in San Antonio Crest West.

4. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by the City of Upland and recommended that it is statutorily exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #3 to this report.

Attachments:

1. Vicinity Map and Map of the Contract Area
2. City of Upland's Application and Contract
3. Response from Tom Dodson and Associates
4. Draft Resolution #2904